

MINUTES OF THE TOWN BOARD MEETING OF JULY 13, 2016

PRESENT:	Supervisor	Edward Fairbrother
	Council	Andy Gillette
		Bob Adams
		Lee Giammichele
		Mike Saglibene
	Attorney	Thomas Reilly
	Clerk	Linda Cross

Supervisor Fairbrother opened the Town Board meeting at 4:30 p.m., and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING 4:30 p.m. Proposed Local Law #3 of 2016

To consider the Enactment of a new Ordinance adding a New title 11 (to be entitled “Vacant and Abandoned Properties” to the present municipal Code beginning with New Section 11-8

Supervisor Fairbrother called the public hearing to order at 4:32 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on June 29, 2016, which allowed and considered public comments regarding, Local Law No. 3 of 2016, titled Vacant and Abandoned Properties

IN FAVOR: Tom Caroscio, 60 Davenport Rd

OPPOSITION: None

COMMENTS: Susan Potrzebowski, 591 Sing Sing Road,
Good Idea, Important Issue.

Since there were no further comments, Supervisor Fairbrother closed the public hearing at 4:41 p.m.

CONCERNS OF THE PEOPLE - None

REPORTS

Supervisor Fairbrother stated the following reports for June 2016 have been received and are on file in the office of the Town Clerk:

Town Clerk’s Monthly Report, Supervisor’s Fund Balance Monthly Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report, Court’s Monthly Report, Dog Control’s Monthly Report.

UNFINISHED BUSINESS

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RESOLUTION NO. 182-16
RESOLUTION NO. 149-16 SUMMER T.A.F.F.Y. EMPLOYEES FOR 2016, TO INCLUDE
SOPHIA HANNA AMENDED

Resolution by: Gillette
Seconded by: Giammichle

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program, and

WHEREAS the Program Coordinator conducted interviews and necessary background checks and recommends the Town Board appoint the employees listed below, and

WHEREAS Sophia Hanna was inadvertently left off the list, she was one of the last ones to be interviewed, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

Hanna, Sophia	\$9.00
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BE IT THEREFORE RESOLVED the Town Board appoints Sophia Hanna at the rate of \$9.00 per hour, effective June 1, 2016 through August 12, 2016.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

NEW BUSINESS

RESOLUTION NO. 183-16
ABSTRACT OF AUDITED VOUCHERS FOR JULY 13, 2016 APPROVED

Resolution by: Giammichele
Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for July 13, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 25,288.59
HIGHWAY FUND	\$ 349,938.79
WD 4 & 5 Capital Project #12	\$ 4,565.00
WATER DISTRICT #4	\$ 83.48
WATER DISTRICT #5	\$ 5,645.00
TRUST FUND	\$.00

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 184-16
ALTERNATE PLANNING BOARD MEMBER FOR A TERM EFFECTIVE IMMEDIATELY,
AND ENDING JULY 13, 2023 APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS pursuant to Town Law Section 271(15) (a), A town board may, by local law or ordinance, or as part of the local law or ordinance creating the planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the planning board shall be appointed by resolution of the town board, for terms established by the town board, and

WHEREAS Mr. Seth Lovell has provided interest to be the Alternate Planning Board member, and

WHEREAS The Town of Big Flats Planning Board, has recommended the Town Board appoint Seth Lovell as an alternate member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Mr. Seth Lovell as an Alternate Planning Board member for a term effective immediately ending July 13, 2023, and

FURTHER RESOLVED the Town Board approves the Alternate Planning Board member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO.185-16
NOTICE OF ORDER TO ADD “NO PARKING” SIGNS ON RIVER STREET AND
“NO PARKING HERE TO CORNER” SIGNS ON CR64 APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the Town is aware of parking and sight distance issues on River Street and CR64 and upon recommendation of the Commissioner of Public Works, desires to install and utilize as needed “flip-style” “NO PARKING” signs on River Street during events, and permanent “NO PARKING HERE TO CORNER” signs on CR64 at River Street, and

WHEREAS the Town believes the recommendation to be reasonable and appropriate, and

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RESOLUTION NO.185-16, NOTICE OF ORDER TO ADD “NO PARKING” SIGNS ON RIVER STREET AND “NO PARKING HERE TO CORNER” SIGNS ON CR64 APPROVED continued

WHEREAS the Town will amend its highway regulations as follows:

1. *Add “No Parking Signs” (for events) on the west side of River Street, from CR64 to SR352. During events, parking will only be allowed in parking areas in Community Park. The signs will be permanently installed “flip-style” signs, which can be activated during events or as otherwise determined needed by the Department of Public Works.*
2. *Add “No Parking Here to Corner” signs on CR64 at its intersection with River Street. The westerly sign will be placed 20-ft from the corner, measured from the curb-line extended. The easterly sign will be placed 40-ft from the corner, measured from the curb-line extended.*

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the amendment to the Town’s highway regulations regarding parking on River Street and CR64.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 186-16
SECTION 284 OF THE HIGHWAY LAW AGREEMENT AMENDED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, repaving of existing highways not involving the additional of new travel lanes is a Type II action accordance with SEQRA 6, NYCCR Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commission of Public Works are authorized to enter into the Amended Plan – July 13, 2016 agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

Amended Plan – July 13, 2016

AGREEMENT between the Commissioner of Public Works of the Town of Big Flats, Chemung County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of **\$281,281** (\$206,281 personnel and \$75,000 repairs) shall be set aside to be expended for primary work and general repairs upon 74.54 miles of town highways, including sluices, culverts and bridges having a span of less than twenty feet, Olcott Road N Bridge, and boardwalks or the renewals thereof.
2. PERMANENT IMPROVEMENTS. The Town is slated to receive \$167,265 in CHIPS funding in 2016, **plus \$38,174.56 in PAVE NY Funds (added in 2016 NYS Budget)**, plus \$803,300 in Town capital funds (a 22% decrease in Town funds from 2015) for a total program of **\$970,565**. The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - a. The road known as Hillview Drive, a total distance of 0.85 miles, shall be milled and paved with 3.0-in of Type 3 Binder and 1.5-in of Type 6F or 7F top. There shall be expended not over the sum of **\$224,000**.
 - b. The road known as Barnes Hill Road (**middle** section), a total distance of 0.88 miles, shall be milled and paved with 1.5-in of Type 6F or 7F asphalt top. There shall be expended not over the sum of **\$79,700**.
 - c. On the roads known as Woods View, County Line Drive, Barnes Hill Road (lower section), **Barnes Hill Road (upper section)**, and Briar Lane, a total distance of .98 miles, shall be tack-coated and overlaid with 1.5-in of Type 6F or 7F asphalt top. There shall be expended not over the sum of **\$131,674.56**. It is anticipated that CHIPS funding and PAVE NY Funds shall be used.
 - d. On the road known as Riverwood Drive, a distance of approximately 0.22 miles, there shall be expended not over the sum of **\$43,400**. This road shall be dry ground, oil injected, and shall be overlaid with 2.0-in of Type 6F asphalt top. It is anticipated that CHIPS funding shall be used.
 - e. On the roads known as Bennett Road (from Far Rockaway), Brown Road, and Far Rockaway Road, a distance of approximately 1.81 miles, there shall be expended not over the sum of **\$147,800**. These roads shall be dry ground, oil injected, and have a 2-layer chip seal topping applied.
 - f. On the road known as Bennett Road (from SR225 to Far Rockaway), a distance of approximately 0.64 miles, there shall be expended not over the sum of **\$15,000**. This road shall have a 2-layer chip seal topping applied. It is anticipated that CHIPS funding shall be used.

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- g. On the roads known as Breed Hollow Road, Curren Road, Davenport Road, Eacher Hollow Road (lower section), Kneale Road, Leach Hill Road, Markle Hollow Road, Olcott Road North, Owen Hollow Road, Reasor Hollow Road, and Kahler Road North, a distance of approximately 15.43 miles, there shall be expended not over the sum of **\$184,800**. These roads shall have a chip seal topping applied.
 - h. On the road known as Shady Knoll Drive, a distance of approximately 0.25 miles, there shall be expended not over the sum of **\$3,500**. This road shall be patched and have a chip seal topping applied. It is anticipated that CHIPS funding shall be used.
 - i. On the roads known as Woodside Drive, Suburban Drive, Miller Street, Longwell Avenue, Foothill Drive, Green Valley Drive, Hammond Street, Heritage Lane, Hickory Street, Eagle View Drive, Cardinal Lane, Cardinal Road, Carson Drive, Church Street, and Brookside Circle, a distance of approximately 3.49 miles, there shall be expended not over the sum of **\$75,900**. These roads shall have a slurry seal topping applied.
 - j. On the roads known as Pine Forest Drive and Mount Saviour Road, a distance of 0.89 miles, there shall be expended not over the sum of **\$30,000**. A sand-mix shall be paver applied. It is anticipated that CHIPS funding shall be used.
 - k. On the road known as Beers Hill Road, a distance of 1.0 miles, there shall be expended not over the sum of **\$30,800**. A sand-mix shall be paver applied in various locations.
 - l. On all Town Roads requiring pavement markings, there shall be expended not greater than **\$6,500**. It is anticipated that CHIPS funding shall be used.
 - m. On all Town Roads requiring crack sealing, there shall be expended not greater than **\$10,000**.
 - n. *Due to the road conditions exacerbated by the winter weather, we shall set aside an additional amount not to exceed **\$25,665** for "Winter Repairs" at locations to be determined.*
3. An additional amount of **\$57,784** shall also be set aside for personnel expenses of the Permanent Improvements program.

Executed in duplicate this 13th day of July 2016.

Edward Fairbrother
Town Supervisor
Andy Gillette
Board Member
Mike Saglibene
Board Member
Andy Avery
Commissioner of Public Works

Lee Giammichele
Board Member
Bob Adams
Board Member

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RESOLUTION NO. 187-16
THYSSENKRUPP ELEVATOR CORPORATION AGREEMENT FOR LIFT
MAINTENANCE APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the DPW Commissioner and Deputy Commissioner find it in the best interest of the Town to enter into a service agreement with ThyssenKrupp Elevator Corporation, and

WHEREAS said agreement will allow ThyssenKrupp Elevator to examine the elevator equipment (Town Hall Lift) for optimum operation. This includes cleaning and lubrication of said components (Controller, Machine, Motor, Interlocks, Guide rails) in the agreement, and

WHEREAS at time of regular examination, any minor adjustments will be made to the elevator equipment as well as Periodic Safety Testing in accordance with the American National Safety Code of Elevator and Escalators (ANSI A 17.1), and

WHEREAS ThyssenKrupp Elevator Corporation is the manufacturer of the Lift, making them the preferred source for such service agreement, and

WHEREAS the service agreement will cost eighty-eight dollars (\$88.00) per month for the period of sixty (60) months, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the DPW Commissioner, and/or Deputy Commissioner to sign on behalf of the Town, the following service agreement that will be from August 1, 2016 to July 31, 2021 between ThyssenKrupp Elevator Corporation and Town of Big Flats.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 188-16
ADOPTING FEES AND SPLITS THEREOF BETWEEN TOWN OF BIG FLATS AND NOT
FOR PROFIT ORGANIZATIONS THAT ASSIST WITH PARKING FOR TAGS CONCERTS
AT THE BIG FLATS COMMUNITY PARK APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Town Board needs to adopt a policy for providing parking in the Community Parks during concerts at Tags, and

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RESOLUTION NO. 188-16, ADOPTING FEES AND SPLITS THEREOF BETWEEN TOWN OF BIG FLATS AND NOT FOR PROFIT ORGANIZATIONS THAT ASSIST WITH PARKING FOR TAGS CONCERTS AT THE BIG FLATS COMMUNITY PARKS
APPROVED continued

WHEREAS the Town has been assisted by different not for profit organizations in managing the parking, and

WHEREAS the State Police and the Chemung County Sheriff are pleased with the reduction of problems that occurred in the past during concerts due to the town controlling parking, and

WHEREAS the Town Board desires to apportion the fees to be split at 30% for the not for profit organization coordinating with the Town the parking and 70% to a Town of Big Flats parks reserve account to be utilized for the improvements to the Big Flats parks, and

WHEREAS the Town Board sets the parking fee at the same rate as the fee set by Tag for parking at his concerts, and

WHEREAS for environmental purposes the administration of the Town personnel is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5(c) (20) and as such no further action is required regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the closing of the Community Park during concerts at Tags to control parking during Tags concerts and other events and to charge for said parking the same fee that is charged by Tag for parking at his concerts and events; and whenever a not-for-profit organization coordinates parking with the Town they shall receive 30% of the gross fees and the Town shall receive 70% of the gross fees to be put in a Reserve Fund which shall be utilized for improvements to the Town of Big Flats Parks.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 189-16
COMMUNICATION LOG FOR JULY 13, 2016 APPROVED

Resolution by: Adams
Seconded by: Saglibene

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

June 27, 2016

New York State Department of Taxation and Finance, Office of Real Property Tax Service
RE: Notice of Tentative State Equalization Rate of the 2016 Assessment Roll

Referred to: Town Board, Assessor and filed with Town Clerk.

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RESOLUTION NO. 189-16, COMMUNICATION LOG FOR JULY 13, 2016 APPROVED
continued

June 30, 2016

New York State Agriculture and Markets RE: Dog Control Inspection Report *Referred to: Code Department, Town Board, and filed with Town Clerk.*

July 5, 2016

State of New York Public Services Commission RE: CASE 16-M-0330 – Petition of CTIA – The wireless Association for the Commission to Update the Clarify Wireless Pole Attachment Protections. *Referred to: Code Department, Town Board, and filed with Town Clerk.*

July 5, 2016

Charter Communications – RE: July 5, 2016 Charter Communications, Inc. and Time Warner Cable completed their merger. *Referred to: Town Board, and filed with Town Clerk.*

July 6, 2016

Charter Communications – RE: July 6, 2016 Charter Communications, Inc. Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

Supervisor Fairbrother also commented on:

- I86 update – working on projects to bring business to the area.
- Miracle Lane – working on road for better access for the Fire Departments, river rescues.
- Sales Tax – Up
- Assessing with Horseheads – residence
- Emergency Preparedness Committee – updating and setting up procedures
- Chemung Valley Soccer Association, bought the land at the old driving range on Route 352, they are in need of the Town's help leveling it.
- GST drainage projects – cleaning the creeks out, getting a lot of wash gravel, and restoring it to be reused elsewhere.
- New Zoning on Sing Sing – not enough support for it.
- Land Trust on River projects – more land donated in the Palisades.
- Little League contract – have not heard back from them
- Parks Committee – getting information for grants, new ideas, go through a completion process, and helping plan on what is needed and or eliminating a park or two. Residence interested in helping for the future, and bring energy. Will be bring a parks committee up date
- Youth for 2017 programs – would like Adams and Giammichele get more involved
- Water pump station update – Grand opening in September
- Update on accounting program – will be using for budgeting for 2017
- Solar – Thomas Reilly working with STC
- PA system at Community Center will be wired on Thursday and will be up and running next week

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Councilperson Gillette made a motion, seconded by Councilperson Giammichele to enter into an executive Session at 5:59 p.m. to discuss a personnel issue dealing with a particular position, also for legal advice. All in favor, motion carried.

Supervisor Fairbrother reconvened the Town Board Meeting at 6:17 p.m.

Councilperson Gillette made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 6:18 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk